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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.852 OF 2006**
**IN**
**INCOME TAX APPEAL (LOD) NO.377 OF 2006**

The Commissioner of Income Tax ..Appellant.

V/s.

M/s.CMC Ltd ..Respondent.

Mr.P.S.Sahadevan for appellant.

Mr.F.Andhyarjuna, senior counsel with Ms.Pallavi Divekar for respondent.

**CORAM : F.I.REBELLO AND**
**J.P.DEVADHAR, JJ.**

**DATED : 1ST OCTOBER, 2007.**

**P.C. :-**

There is a delay of 1418 days in preferring the appeal. The I.T.A.T. order was received on 25/6/2002. The papers were forwarded to the Ministry of Law on 21/10/2002. The papers were returned back by the Law Ministry on 14/12/2005. Thereafter, draft of the appeal was received on 6/1/2006. There is no explanation whatsoever for the delay between 21/12/2002 and 14/12/2005 and also for the subsequent delay. Considering the cause shown, the same would not amount to sufficient cause. Hence Motion is dismissed.

**(J.P.DEVADHAR, J.)** **(F.I.REBELL0, J.)**